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6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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10 MARSHALL COLLINS, III, No. C 07-0668 WHA (PR)

11 Plaintiff, **ORDER OF DISMISSAL**

12 v.

13 CALIFORNIA DEPARTMENT OF
14 MENTAL HEALTH,

15 Defendant.
16 _____ /

17 On October 9, 2007, the court dismissed plaintiff's civil rights complaint because the
18 only named defendant cannot be sued in federal court. Plaintiff was granted thirty days to file
19 an amended complaint. He has failed to do so. This case is accordingly **DISMISSED** with
20 prejudice. *See WMX Technologies v. Miller*, 104 F.3d 1133, 1136 (9th Cir. 1997) (when
21 complaint has been dismissed with leave to amend and plaintiff does not amend, further district
22 court determination is necessary). The clerk shall close the file.

23 **IT IS SO ORDERED.**

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25 Dated: December 30, 2007.

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WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

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